IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2166 OF 2005

IN

SUIT NO. 3508 OF 2004

Godrej Saralee Ltd and anr. .....**Plffs.**
vs.
Standard Chartered Grindlays
Bank Ltd .....**Defnds.**

Virag Tulzapurkar a/w. K.J. Munshi i/b. Little and Co. for the plffs.

Birendra Saraf i/b. M.K. Ambalal and Co. for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 15th September, 2005.

P.C. :.

1. The present motion is taken out for depositing the entire record pertaining to the cash management system services offered by the defendant to the plaintiff including MICR tapes, original cheques

deposited by the plaintiff and details of the bulk debits and bulk credits and other records pertaining to the transaction.

2. It is the case of the plaintiff in the present case that the defendants were authorised to collect various cheques for and on behalf of the plaintiffs directly from various agents of the plaintiffs. On receipt of the said cheques the defendants were required to give necessary credits inrespect thereof in the account of the plaintiff maintained by the defendant bank. It is further the case of the plaintiff that in the present case it has come to their notice that the defendants have not given necessary credits inrespect of the cheques which are issued in their favour and collected by the defendant under the said cash management services. Thus the plaintiffs have filed thepresent suit for scrutinising of the account. According to the plaintiffs there is a defecit of receipts to the extent of Rs.3,08,513.88/-. The RBI has issued a letter dated 4.6.2004 inter-alia directing the bank

that they are advised to ensure that the records of the above cash management services are preserved property till the above dispute is resolved. However the defendant are resisting to deposit in this court the said records inter-alia on the ground that the MRIC is a document which also includes transactions of various other customers of the defendant bank. Learned counsel appearing for the defendant also claims privilege inrespect of the production of such documents. I am not convinced that on any such ground of any privilege has been made out by the defendants. I am of the opinion that to ascertain the correctness of the so called cash management service of the defendant and to ascertain the amount due and payable to the plaintiff under the said system and further to ascertain whether proper accounting has been followed by the defendants or not all these documents are necessary. In that view of the matter the defendants are directed to deposit in this court the entire record pertaining to the cash management services including the MICR tapes, original cheques deposited by the plaintiff,

details of the bulk debits and bulk credits and other incidental records pertaining to the suit within a period of one week from today. I am of the further opinion that the present suit should be expeditiously heard. It is because the only relief sought is pertaining to the correctness of the maintenance of accounts of cash management system services. For the purpose of establishing confidence in the economy it is necessary that such disputes are resolved with utmost urgency. In that view of the matter I direct the defendant to file written statement within two weeks from today. Affidavit of documents inrespect of the discovery to be completed within two weeks thereafter. I grant liberty to the plaintiff to move the court at the expiry of the period of four weeks for appointment of the Chartered Accountants to scrutinise the accounts of the defendant and to make a report to the court which can be considered by the court at the hearing of the suit .

. Motion disposed off in terms of the aforesaid

order.

sd/-

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